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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CLINTON BROWN,

Plaintiff,

vs.

CLARK R. TAYLOR, AICP, THE LOS
ANGELES COUNTY DEPARTMENT OF
REGIONAL PLANNING,
Defendant.

No. 2:22-cv-09203-MEMF-KS

Notice of Supplemental Authority¹

Judge: Honorable Maame Ewusi-Mensah
Frimpong

Magistrate Judge: Karen L. Stevenson

NOTICE TO THE COURT, *Sheetz v. County of El Dorado, California*, No. 22-1074, slip op. at 1- 20 (U.S. Apr. 12, 2024) is applicable to this live controversy as supplemental authority in consideration of the MSJ that is currently pending before this Court. *See* ECF No. 125 at 4.

“When the Government wants to take private property to build roads, courthouses, *or other public projects*, it *must* compensate the owner at fair market value. *Sheetz* at 4. The Takings Clause’s right to Just Compensation coexists with the States’ police power to engage in land-use planning. (Though at times the two seem more like in-laws than soulmates.) While States have substantial authority to regulate land use, *see* *Village of Euclid v. Amber Realty Co.*, 272 U. S. 365 (1926), the right to compensation is triggered if they “physically appropriat[e]” property *or* otherwise interfere with the owner’s right to exclude others from it, *see* *Cedar Point Nursery v. Hassid*, 594 U. S. 139, 149–152 (2021). That sort of intrusion on property rights is a *per se* taking. *See* *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U. S. 419, 426 (1982)...(*See also* *Lucas v. South Carolina Coastal Council*, 505 U. S. 1003, 1016 (1992) (“[T]he Fifth Amendment is violated when land-use regulation does not substantially advance legitimate state interests *or denies an owner economically viable use of his land*”) *Id.* at 5. (original emphasis added). *Sheetz* at 4-5.

So, it *must* follow that when the owner himself cannot *include* or *exclude* himself or any

¹ There is no specific Rule or L.R. to alert the parties to citation of supplemental authorities (*i.e.* new law). The Plaintiff is filing this notice under the guidance of F.R.A.P. 28(j). *In any event*, a notice of supplemental authority has already been filed & served in this live controversy. *See* ECF No. 58 (citing *Tyler & Sackett v. EPA*).

others (including the Government) from his own property then it is a *per se* Taking & thus he is entitled to Just Compensation. (emphasis added). *See* ECF No. 145 at 6 n. 9.

The Constitution's text does not limit the Takings Clause to a particular branch of Government. The Clause itself, which speaks in the passive voice, "focuses on (and prohibits) a certain 'act': the taking of private property without Just Compensation." *Knight v. Metropolitan Govt. of Nashville & Davidson Cty.*, 67 F. 4th 816, 829 (CA6 2023). *Sheetz* at 7. [H]ow the Government acts may vary but the Constitution's standard for assessing those actions does not. It does so because our Constitution deals in substance, not form. However the Government chooses to act, whether by way of regulation 'or statute, or ordinance, or miscellaneous decree,' it *must follow the same Constitutional rules*. Ante, at 9 (*quoting* Cedar Point Nursery v. Hassid, 594 U. S. 139, 149 (2021)). (emphasis added) *See Sheetz* (Gorsuch, J. concurring at 2)

In other words, the Federal Constitution commands that an objective standard be applied whenever the Government takes private property, regardless of what 'type' of Taking. Thus, the Federal Constitution commands this to *all* 50 states, *all* 3,141 counties & *all* other jurisdictions there might be, including this Court. *See Sheetz* (in entirety)

Despite all this, the Plaintiff will be living on his property, (although it is illegal, *supra*) when the Sheriff's Office physically removes the Plaintiff from his leased residence tomorrow on April 17, 2024. The Plaintiff will update the Court & all parties of his new address at the Takings property, according to L.R. 41-6. Hopefully, April showers will bring May flowers.

Dated: April 16, 2024

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CC: All Counsel of Record (via ECF) on April 16, 2024